

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

AUG 20 2018

Clerk of Court

United States of America

v.

- 1) Eswin Avel LOPEZ-Fuentes YOB: 1995, HN  
2) David ORTIZ-Del Rio YOB: 1982, USC  
3) Rosendo MARTINEZ YOB: 1989, HN

Case No.

M-18-1707-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 16, 2018 in the county of Hidalgo + Elgin in the  
Southern District of Texas, the defendant(s) violated:

Code Section

21 U.S.C. 846

Offense Description

Did knowingly conspire to possess with intent to distribute more than 5 kilograms of cocaine, a Schedule II controlled substance

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

approved by  
1087 [Signature]

Sworn to before me and signed in my presence.

Date: 8/20/2018

City and state: McAllen, Texas

[Signature]

Complainant's signature

Antonio Perez IV, HSI McAllen Special Agent

Printed name and title

[Signature]

Judge's signature

U.S. Magistrate Judge Scott Hacker

Printed name and title

**Attachment "A"**

On August 14, 2018, Homeland Security Investigations (HSI) in McAllen, Texas conducted an undercover operation to negotiate the sale of approximately 40 kilograms of cocaine. On the evening of August 14, 2018, an undercover agent met with David DEL RIO-Ortiz in McAllen, Texas to discuss the details of an upcoming drug transaction. During the meeting, ORTIZ advised the UC that he was prepared to purchase 40 kilograms of cocaine.

On August 16, 2018, HSI McAllen special agents conducted a controlled delivery operation of 40 bricks of a white powdery substance, weighing approximately 45 kilograms. Only two bricks contained approximately 2 kilograms of cocaine hydrochloride. The bricks were delivered from McAllen, Texas to Buda, Texas.

On the evening of August 16, 2018, ORTIZ, Rosendo MARTINEZ, Eswin Avel LOPEZ-Fuentes, and an unidentified suspect arrived at 1201 Cabela's Drive in Buda, Texas to purchase 10 kilograms of cocaine. LOPEZ entered the hotel and delivered approximately \$250,000.00 to pay for the 10 kilograms of cocaine. LOPEZ retrieved a bag of 20 kilograms of cocaine and exited the room. HSI McAllen special agents apprehended LOPEZ after exiting the hotel room. HSI special agents, with the assistance of Hays County officers, and Buda, Texas Police Department, attempted to conduct an arrest of ORTIZ, MARTINEZ, and the unidentified suspect waiting for LOPEZ outside the hotel. MARTINEZ and ORTIZ were apprehended and the unidentified suspect absconded.

On August 16, 2018, HSI Special Agent (SA) A. Perez and HSI SA I. Jacinto conducted an interview with David ORTIZ-Del Rio. HSI SA A. Perez read ORTIZ his Miranda rights as witnessed by Jacinto. ORTIZ stated he understood his rights and voluntarily waived them orally and in writing. ORTIZ made the following non-verbatim statements that have been paraphrased and may not be in the order in which he gave them:

ORTIZ stated that he regularly assists in locating clients for narcotics sources of supply. ORTIZ stated that he had located numerous clients that were ready to purchase the 40 kilograms of cocaine. ORTIZ stated that MARTINEZ and LOPEZ were aware the cocaine was being delivered from McAllen, Texas.

ORTIZ stated MARTINEZ wanted to purchase 10 kilograms of cocaine and had provided the \$250,000.00 that was subsequently turned over to HSI McAllen undercover agents. ORTIZ stated LOPEZ assisted by physically providing the \$250,000.00 to HSI McAllen undercover agents and taking possession of the cocaine. ORTIZ stated LOPEZ was also going to inspect the quality of the cocaine. ORTIZ stated LOPEZ was interested in purchasing an additional amount of cocaine if the cocaine was of good quality.